

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-15936
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT APRIL 14, 2009 THOMAS K. KAHN CLERK

D. C. Docket No. 07-00069-CV-2

MALISSA L. BROWN,

Plaintiff-Appellee,

versus

CHARLES BYERLY,
Individually and in his Official Capacity as
Deputy Sheriff for Camden County, Georgia,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Georgia

(April 14, 2009)

Before DUBINA, BLACK and PRYOR, Circuit Judges.

PER CURIAM:

Charles Byerly appeals the district court's denial of his motion to dismiss based on the defense of qualified immunity. On appeal, Byerly argues the district court should have granted his motion for the following reasons: (1) he was acting within the scope of his discretionary authority, (2) the complaint does not establish a constitutional violation because Appellee Malissa Brown was arrested pursuant to a valid warrant, and (3) he did not violate a clearly established law. After *de novo* review, we conclude the district court did not err in denying Byerly's motion to dismiss based on the defense of qualified immunity.

AFFIRMED.